

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ERIC TRAVIS,

Plaintiffs,

v.

AMERIHOM MORTGAGE COMPANY
LLC,

Defendants.

Case No. 1:23-cv-01267-KES-SAB

ORDER REQUIRING PLAINTIFF TO PAY
\$50.00 SANCTIONS PURSUANT TO THE
OCTOBER 8, 2024 ORDER; DISCHARGING
OCTOBER 3, 2024 ORDER TO SHOW
CAUSE

(ECF No. 24, 26, 27)

OCTOBER 25, 2024 DEADLINE

A mandatory scheduling conference was held on October 3, 2024 at 10:00 a.m., before the undersigned. (ECF No. 18.) Counsel for Plaintiff failed to appear. On October 3, 2024, the Court ordered that Plaintiff show cause in writing within three days why sanctions should not issue for the failure by counsel to make any appearance at the scheduling conference. (ECF No. 24.) Plaintiff failed to respond to the order to show cause. On October 8, 2024, the Court extended the deadline to respond to the order to show cause and cautioned Plaintiff that if he failed to respond by 5:00 p.m. on October 8, 2024, the Court would impose monetary sanctions in the amount of \$50.00 per day, beginning on October 9, 2024. (ECF No. 26.) Plaintiff failed to respond to the order by 5:00 p.m. on October 8, 2024.

On October 9, 2024, Plaintiff filed a response. (ECF No. 27.) Therein, counsel for Plaintiff explains that he failed to appear at the scheduling conference due to technical issues when attempting to log into Zoom five minutes prior to the scheduling conference. (*Id.* at 4.)

1 Plaintiff does not address why he failed to notify chambers or opposing counsel of his
2 technical issues when he recognized he needed to update a security setting on his computer at
3 approximately 9:55 a.m. and was aware he would be delayed. Plaintiff is expected to timely
4 appear at future hearings; however, should unexpected issues arise, counsel shall extend a
5 courtesy notice to the Court and opposing counsel. The Court shall discharge the October 3,
6 2024 order to show cause.

7 However, Plaintiff does not provide any reason why the Court should not require that
8 Plaintiff pay sanctions for failing to respond by the extended deadline. The Court does not
9 independently find good cause to waive the daily sanction. Plaintiff acknowledges in his
10 response to the order to show cause that when he logged in at 10:07 a.m. after the conference had
11 concluded, the courtroom deputy informed Plaintiff's counsel that an order to show cause would
12 issue for his failure to appear. (ECF No. 27 at 5.) The Court issued the order to show cause the
13 same day. Plaintiff failed to respond to the October 3, 2024 order and also failed to respond by
14 the extended deadline provided in the October 8, 2024 order. The October 8, 2024 order clearly
15 required Plaintiff "to file a response to the order to show cause by 5:00 p.m. today. If Plaintiff
16 fails to file the document in compliance with this order, the Court shall impose monetary
17 sanctions in the amount of \$50.00 per day, beginning on October 9, 2024." (ECF No. 26.)
18 Plaintiff did not file a response until one day past the deadline, on October 9, 2024.

19 Plaintiff's counsel had notice that an order to show cause would issue and two separate
20 orders did issue. Plaintiff's failure to address why it took until October 9, 2024 to respond to the
21 Court's orders is not well-taken. The Court does not find good cause exists to waive the daily
22 sanction.

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. The Court's October 3, 2024 order to show cause (ECF No. 24) is
25 DISCHARGED;
- 26 2. Plaintiff shall pay **\$50.00 in sanctions via cashier's check to the Clerk of Court**
27 **no later than October 25, 2024** for his failure to respond to the order to show
28 cause until October 9, 2024;

- 1 3. Plaintiff shall file a notice **no later than October 25, 2024** confirming he has
2 paid the sanction; and
- 3 4. If Plaintiff fails to comply with this order, Plaintiff and Plaintiff's counsel shall
4 jointly and severally be obligated to pay the Clerk of the Court \$50.00 per day,
5 **beginning on October 26, 2024**, until Plaintiff pays the sanction and files a
6 notice of payment to the Court.

7
8 IT IS SO ORDERED.

9 Dated: **October 10, 2024**


UNITED STATES MAGISTRATE JUDGE